

**ATTACHMENT "1";  
LUCAS BRUNO**



1 APPEARANCES:

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14

15 ALSO PRESENT: Annette Johnson and Martha Buxton

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EXAMINATION: LUCAS BRUNO III

BY MR. HELPER

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(11/20/02 Counseling Record, EXHIBIT A, marked)

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(11/23/02 Davelyn Counseling Record, EXHIBIT B,  
marked)

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(11/23/02 Igarashi Counseling Record, EXHIBIT C,  
marked)

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(10/20/02 Letter, EXHIBIT D, marked)

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(12/9/02 Letter, EXHIBIT E, marked)

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(Bos Affidavit, EXHIBIT F, marked)

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LUCAS BRUNO III

having first been duly sworn,  
testified upon his oath as follows:

(11/20/02 Counseling Record, EXHIBIT A, marked)

(11/23/02 Davelyn Counseling Record, EXHIBIT B, marked)

(11/23/02 Igarashi Counseling Record, EXHIBIT C, marked)

EXAMINATION: LUCAS BRUNO III

BY MR. HELPER:

Q. Would you please state your name?

A. Lucas Frank Bruno, III.

Q. What is your address?

A. It's -- physical address is 208 Market Street in  
Wailuku. The Zip is 96793. My mailing address is Post  
Office Box 71, also in Wailuku, Hawaii 96793.

Q. Have you ever had your deposition taken before?

A. No.

Q. Have you ever testified in any court proceeding  
before?

A. Once when I was in the military they had a case  
where somebody -- I was the division officer and he was being  
charged with using drugs and I was called upon to be a  
character witness on the behavior of this crew member. I  
didn't have much to say, but --

Q. Okay.

1 A. -- it was testifying.

2 Q. Let me just give you a few rules for testifying in  
3 a deposition. First of all, you know there's a court  
4 reporter here who is taking down everything anybody says.  
5 Right?

6 A. Yes, sir.

7 Q. And you're sworn in under the same oath that you  
8 were sworn in with in court. Do you understand that?

9 A. Yes, sir.

10 Q. And the testimony you give has the same weight and  
11 significance as if it was given in court even though there is  
12 no judge here.

13 A. Yes, sir.

14 Q. There are a couple of rules that are very  
15 different from normal conversation, so some people have a  
16 hard time with them. The most basic rule is only one person  
17 can speak at a time. So even though you know exactly where  
18 I'm going with a question, you have to wait until I'm done  
19 asking it before you answer because, otherwise, the court  
20 reporter gets mixed up and then I have to ask the question  
21 again and it takes longer, not shorter. Do you understand  
22 that?

23 A. Yes.

24 Q. If I have ever cut you before you're done with an  
25 answer, make sure you let me know and I'll stop and let you

1 finish answering. Okay?

2 A. Yes, sir.

3 Q. If at any time you need to take a break, stretch  
4 your legs, talk to your lawyer, go to the bathroom; let us  
5 know and we'll take a break.

6 A. Thank you.

7 Q. I'm not going to estimate how long this is going  
8 to take because my estimates have been woefully inadequate to  
9 date.

10 You're currently employed as a social worker?

11 A. Correct, sir.

12 Q. What is your current salary?

13 A. It's going to be going up next month. At this  
14 moment -- I can get back to you -- it's about -- it's about  
15 31, \$3,200 a month.

16 Q. That's take home or gross?

17 A. That's gross. Take home is about \$2,300 a month.  
18 And then effective next month we've -- I'm moving up to a  
19 Senior Probation Officer status, which will be a pay raise.  
20 And then we have union adjusted increments, so it's a moving  
21 target.

22 Q. All right.

23 A. When you say what's my salary, what week?

24 Q. Okay. We're here today to take your deposition  
25 based on your allegation in a federal lawsuit that you were

1 discriminated against on the basis of your race and your age  
2 in the course of your employment at TSA Maui; right?

3 A. Yes, sir.

4 Q. And you started -- How did you first hear about an  
5 opening at TSA?

6 A. That was fantastic news coverage of TSA is coming,  
7 TSA is coming. And originally it was stated that you would  
8 have to work at Wackenhut and that Wackenhut would have first  
9 choice of refusal and in placing the guards at the airport  
10 here in Wailuku. I contacted Wackenhut and they said things  
11 were up in the air, they still didn't know what was going on.  
12 At that time it was six months before they actually started  
13 hiring here, more or less, time-wise. Then there were  
14 announcements throughout the newspaper, television,  
15 everywhere that TSA was coming and it was going to be an  
16 audition of thousands to go in and they would select a few  
17 people for a multistage screening. And I did that.

18 Q. Where were you employed when you first heard about  
19 the TSA openings?

20 A. I was with the Department of Health as a Social  
21 Worker IV.

22 Q. Okay. And how long had you been in that position?

23 A. Not very long at all.

24 Q. Okay. Tell me about the process that you went  
25 through to become a TSA employee before you showed up at work



1 at Kahului.

2 A. There were paperwork procedures that were online  
3 to fill out. And then I got a call from somebody that said,  
4 Are you interested in being a supervisor in Lanai?

5 And I said, Yes, I'm still interested.

6 And they said, Be in Honolulu tomorrow at --

7 And I said, Wait a second, you know.

8 If you're not interested, I'm just going down my  
9 list to the next guy. Yes or no?

10 And so I talked with my supervisor at work and I  
11 said I had this opportunity. And he said, Go for it. You're  
12 crazy up to pass up getting into the federal government.

13 So I reported to Honolulu and went through a --  
14 Let's see. At some point I had to go through a physical test  
15 and a computer identification IAD test over here at the  
16 Kaanapali hotel. And that was a prerequisite before getting  
17 the phone call and saying, Report to Honolulu. And I would  
18 have to go and look at the dates to see the order, but there  
19 was a computer questionnaire that was put out by TSA, there  
20 was an initial interview that was done at the hotel, there  
21 was also a lifting and visual acuity, and then there was a  
22 report to Honolulu for further on training.

23 Q. All the tests up to the point where you said  
24 report to Honolulu, was that at Kaanapali?

25 A. Correct. I'm not -- I know the hotel if I saw it

1 again, but I don't remember the name offhand.

2 Q. Okay. The person who called you with the Lanai  
3 opportunity, do you know who that person was?

4 A. I'm with TSA. Are you interested? That was it.

5 Q. Was there some involvement in this phase that  
6 you're talking about now before you came to work by NCS  
7 Pearson? Did you ever hear that --

8 A. I had heard -- There was so many subcontracts  
9 going out. I believe they were the ones at the hotel that  
10 did the physical screening and the questions. Yes, it -- Now  
11 I know where I remember Pearson. There was forms that you  
12 had to fill out at the hotel in addition to what you filled  
13 out on the computer. It was like doing it again.

14 And I got held back after everybody else had left  
15 because they were pulling out scenarios like what happens if  
16 you have a passenger that refuses to put his coat through the  
17 scanner and different kind of scenarios. And everybody else  
18 had left and I was called in and the person that had signed  
19 me off, which you probably know, I don't know his name,  
20 talked to me about he was impressed with the way I performed  
21 and wanted to discuss HR, human resources, that I had put  
22 down in my background.

23 And I told him that that's why I was going through  
24 this process, that I didn't want to be a screener for the  
25 rest of my life, but that I figured that if I was already in

1 the agency when positions opened up, being on the board  
2 assured -- citing human resource management here and working  
3 in HR, that this was my way to get into TSA.

4 The State's pay system tops out where TSA starts  
5 and --

6 MS. HEVICON: I'm going to have to -- Because  
7 this is going to end up --

8 THE WITNESS: Too long?

9 MS. HEVICON: -- being weeks. Yes. I don't  
10 even remember the question anymore. Have you heard of NCS  
11 Pearson or what? Now you're starting to talk about --  
12 Please. We will be here three days.

13 MR. HELPER: Motion to strike.

14 THE WITNESS: I'm sorry.

15 MS. HEVICON: Listen to the question and  
16 answer the question.

17 THE WITNESS: Okay. I do remember them.

18 BY MR. HELPER:

19 Q. Okay. And at some point did anybody with NCS  
20 Pearson tell you -- or TSA tell you what sort of job you were  
21 going to get when you started for TSA?

22 A. Yes, sir.

23 Q. Who told you what?

24 A. I received written -- written forms saying I would  
25 be a supervisor and it would be for Lanai airport.

1 Q. Where did you get that written --

2 A. In Honolulu during that final -- when we were  
3 sworn in and you were now a TSA employee.

4 Q. Do you still have that piece of paper?

5 A. It should be part of what I submitted. I  
6 definitely have it, but I thought I had submitted it.

7 Q. Okay. We'll look. I have that here and I look  
8 for it during a break.

9 A. Okay.

10 Q. And then at some point you got a phone call from  
11 Filbert Carvalho, right, saying a different job opportunity?

12 A. While I was at the airport they were considering  
13 opening up an additional lane and I was asked would I  
14 consider staying here at Kahului instead of going to Lanai.  
15 And I said yeah. So that was how it changed from Lanai where  
16 I had originally been assigned.

17 MR. HELPER: Off the record.

18 (Pause in Proceedings: 2:10-2:15)

19 MR. HELPER: Back on the record.

20 BY MR. HELPER:

21 Q. You said you were at the airport when they asked  
22 you about staying at Kahului. What do you mean by "at the  
23 airport"?

24 A. At OGG already working for the 60-hour training in  
25 preparation to be forwarded over to Lanai.

1 Q. Okay. And so when they asked you to come on board  
2 here, you had been working OJT, on-the-job training, for how  
3 long when that conversation occurred?

4 A. I don't know.

5 Q. I mean a day? A week?

6 A. I don't know. I know that I documented in my  
7 documents the change that was perceived by me at the time  
8 when I agreed to stay, so it could be reconstructed by  
9 looking at what I submitted, but --

10 Q. Well, let's get, you know, your -- Let me give you  
11 some of what you submitted. I think this is your most  
12 complete statement. I'm not going to make it an exhibit.

13 A. Okay.

14 Q. I think on the second page it talks about Mr.  
15 Carvalho. And so to the extent you need to refresh your  
16 recollection by referring to your own statements, please go  
17 ahead.

18 A. Thank you, sir.

19 Q. As opposed to saying, It's in my statement, look  
20 there. Because I want to get -- A lot of times the  
21 information I want is not in your statement. A lot of times  
22 you remember more under questioning than what's in your  
23 statement, so we have to do it both ways.

24 MS. HEVICON: Right.

25 THE WITNESS: I would have to -- This

1 statement was done February three years ago, so this would be  
2 a lot fresher. It says when I reported for orientation. Let  
3 me see what Attachment 6 is.

4 BY MR. HELPER:

5 Q. All that is is phone numbers.

6 A. Okay.

7 Q. I mean, certainly feel free to look, because it's  
8 your statement, but --

9 A. (Pause - referring.) Here is -- I don't know why  
10 I came up with Lanai unless it was that initial telephone  
11 call that I received saying, Pack up, go to the hotel, that I  
12 was selected for Lanai supervisor.

13 Q. I think you're handing me a document that refers  
14 back to a matter that we discussed earlier, which is your  
15 appointment letter; right?

16 A. Right.

17 Q. Okay.

18 MS. HEVICON: Is that this?

19 BY MR. HELPER:

20 Q. And this says, "Supervisor Transportation Security  
21 Screener"?

22 A. Correct.

23 Q. Do you know when it was you got this document  
24 dated 10/20/02 and signed by a Human Resources representative  
25 whose name I can't read?

1 A. Let me look at this again, please.

2 MS. HEVICON: Why don't you look at my copy?

3 THE WITNESS: (Pause - referring.) Let me  
4 see what attachment -- On October 20th, 2002, I was offered a  
5 position of appointment.

6 MR. HELPER: Right.

7 THE WITNESS: So it was October 20th, 2002,  
8 that I received this.

9 MR. HELPER: Okay. I guess we need to make  
10 this document Exhibit D, just these.

11 MS. HEVICON: I'm sorry, which exhibit? Oh.  
12 You said D, but we haven't -- Oh, these are marked.

13 (10/20/02 Letter, EXHIBIT D, marked)

14 BY MR. HELPER:

15 Q. So Mr. Carvalho met with you -- The offer to come  
16 to Kahului was made by Mr. Cavalho in person to you; right?

17 A. Correct.

18 Q. Okay. One thing, let me ask you to say Kahului as  
19 opposed to OGG.

20 A. Correct. Kahului Airport on Maui.

21 Q. OGG is the old FAA, now TSA designation for Maui  
22 airport --

23 A. Correct, sir.

24 Q. For Kahului.

25 MS. HEVICON: Let him finish.



1 BY MR. HELPER:

2 Q. Do you recall anything about your interaction with  
3 Mr. Carvalho when he offered you the job other than what you  
4 have got in your statement?

5 A. No, sir.

6 Q. Anything about his demeanor? Was he friendly?  
7 Hostile? Glad to have you aboard kind of thing?

8 A. I don't remember, sir.

9 Q. Okay. Nothing about that interaction particularly  
10 stands out in your mind?

11 A. No, sir.

12 Q. Correct?

13 A. Correct, sir.

14 Q. Now, you started your on-the-job training on the  
15 12th of November; right?

16 A. (Pause - referring.) Yes, sir.

17 Q. And just to sort of summarize your career, you  
18 lasted until December the 9th, does that sound about right?

19 A. About right. It was very short.

20 MS. HEVICON: I'm just trying to see how this  
21 story goes. This is a long letter.

22 BY MR. HELPER:

23 Q. Page 10 --

24 A. I tried to be as clear to TSA as possible.

25 MS. HEVICON: Yeah, okay.



1 BY MR. HELPER:

2 Q. Page 10, first full paragraph, third sentence, "On  
3 the afternoon of 12/9/02."

4 A. Yes, sir.

5 Q. Okay. And so is it fair to say that over that  
6 approximately month you worked maybe 20 days?

7 A. I am not sure, sir. I'd have to check the pay  
8 records.

9 Q. Well, how many -- Can you give me an estimate of  
10 how many days you worked a week during your month at TSA?

11 A. Five or six a week.

12 Q. Okay. Did they have you working -- Is it possible  
13 you worked six days a week?

14 A. I don't know, sir. I'd defer to the time sheets.

15 Q. Okay. What shift were you working during that  
16 time?

17 A. It varied, sir.

18 Q. Is there a shift you worked more often than  
19 others?

20 A. I'd have to defer to the time sheet. It was three  
21 years ago.

22 Q. Do you remember if you ever worked the night  
23 shift?

24 A. I know I got out when it was dark, but I'm not  
25 sure how they designate the shifts. There was some people

1 that stayed very late, past 11:00. I don't believe I ever  
2 stayed past 11:00. I think I would remember that.

3 Q. You don't remember ever closing the airport?

4 A. No. No, sir. I never closed the airport, sir.

5 Q. Okay. Was there any -- As I understand it, you  
6 were a screener, right, that was the job duties you were  
7 assigned when you started, was screening; right?

8 A. I was assigned OJT for 60 hours under several  
9 different areas under that so I could go on to be a  
10 supervisor, so I'm not sure -- Could you clarify "screener"?

11 Q. You were performing the responsibilities or  
12 learning the responsibilities of a screener?

13 A. I was under instruction to learn, yes, sir.

14 Q. The responsibilities of a screener?

15 A. Yes, sir.

16 Q. And you had a number of people training you over  
17 that period; right?

18 A. Yes, sir.

19 Q. And was there anybody who was consistently  
20 training you or who trained you more often than others?

21 A. I'm going to be longwinded. Stop me. Initially  
22 they wanted to rush the Molokai and Lanai and Guam people  
23 through, so they left me at the gates while they were putting  
24 people through and I did hand wandling at the gates. Then  
25 Patti Phaneuf --

1 Q. No, I want to hear this.

2 A. Patti Phaneuf was the person that was in charge of  
3 the gates most of the time on that.

4 Q. There's a Karin Phaneuf and there's a Patti  
5 Igarashi.

6 A. Yes, sir.

7 Q. Which one do you mean? Or somebody else.

8 A. Karin Phaneuf. Patti Igarashi was overall  
9 manager, but the hands-on supervisor was Karin Phaneuf.

10 Q. So your training got delayed some because of the  
11 priorities of getting Lanai and Molokai; right?

12 A. They were paying per diem.

13 MS. HEVICON: It's a yes or no question.

14 THE WITNESS: Yes.

15 MS. HEVICON: Remember, I start kicking.

16 BY MR. HELPER:

17 Q. You got written up a number of times in a fairly  
18 short period, and the record reflects it. Let me start with  
19 the first write-up. And, again, if you want to refer to your  
20 statement, please do. Is the first time you got written up  
21 November 20th, 2002?

22 A. (Pause - referring.) I can go by this because  
23 this is -- To my knowledge of written write-ups that I am  
24 aware of, I understand there might be others, this is the  
25 first one I'm aware of.

1 Q. Is November 20th?

2 A. Correct, sir.

3 Q. Okay. Now, you were written up just once on  
4 November 20th that you're aware of?

5 A. (Pause - referring.) Yes, sir. It was the  
6 combination single --

7 Q. The Exhibit A that you're looking at?

8 A. Correct, sir.

9 Q. Now, as I understand it, you were counseled on  
10 November 20th in addition to being actually written up;  
11 right? So there was an oral session with -- an oral  
12 counseling from Elizabeth Masuda on November 20th; is that  
13 right?

14 A. Please describe what you mean by "counseling."

15 Q. Where a supervisor advised you on your  
16 performance, that your performance was deficient or  
17 inadequate or incorrect in some way.

18 A. I found out by this, sir, Exhibit A.

19 Q. Okay. Now, Exhibit A is a counseling record from  
20 Angela Williams; right?

21 A. Yes, sir.

22 Q. Didn't Elizabeth Masuda counsel you about ETD  
23 screening of laptop computers on November 20th?

24 A. No, sir.

25 Q. I'm just looking at your statement. I'm looking

1 at your statement.

2 MS. HEVICON: No, this statement.

3 This statement?

4 MR. HELPER: Yes.

5 MS. HEVICON: Oh, it's the last sentence of  
6 page 4, first paragraph.

7 MR. HELPER: Yes.

8 MS. HEVICON: You're saying that's  
9 counseling?

10 MR. HELPER: Well, yes.

11 MS. HEVICON: All right. I would call it  
12 instructing.

13 THE WITNESS: That's why I was clarifying  
14 what did you mean by "counseling."

15 MR. HELPER: Okay.

16 THE WITNESS: She had another person step in  
17 and review it with me, so yes.

18 BY MR. HELPER:

19 Q. Well, she told you you were doing it wrong; right?

20 A. Yes, sir.

21 Q. So on November 20th Elizabeth Masuda told you you  
22 were wandering wrong; right?

23 A. Correct, sir.

24 Q. Did she also tell you that you were not following  
25 the ETD procedure for laptops correctly? Again, talking

1 about Elizabeth Masuda on November 20th, 2002.

2 A. (Pause - referring.)

3 Q. I'm not asking you anything about Exhibit A at  
4 this point.

5 A. Okay. I'm just using it to refresh my mind from  
6 three years ago.

7 Q. Okay.

8 A. (Pause - referring.) Yes, sir.

9 Q. Now, did you also -- on November 20th did you have  
10 on oral session with Angela Williams about anything to do  
11 with your performance?

12 A. Yes, sir.

13 Q. Elizabeth Masuda, what's her racial background?

14 A. I have no idea, sir.

15 Q. From appearance?

16 A. She didn't look like me, but short of that, I  
17 don't know.

18 Q. How long have you lived in -- You've lived in  
19 Hawaii for how long?

20 A. I have lived in Hawaii since 1980 with some time  
21 off on Marshallese islands.

22 Q. The word "local" --

23 A. That's a catchall. I can't say. Korean,  
24 Japanese, Filipino.

25 Q. Right.

1 A. But what's local?

2 Q. Common usage is local?

3 A. Yes, sir. The session with --

4 Q. I don't have any more question. There is no  
5 question right now.

6 A. Okay.

7 THE WITNESS: Can I talk to you?

8 MR. HELPER: Sure.

9 (Pause in Proceedings: 2:33-2:34)

10 MS. HEVICON: Okay. Go ahead.

11 BY MR. HELPER:

12 Q. Now, it looks to me like from Exhibit A as if  
13 Angela Williams at some point gave you this document or  
14 somebody gave you this document and you wrote your comments  
15 on it?

16 A. Yes, sir.

17 Q. Did that occur on November 20th?

18 A. (Pause - referring.) Yes, sir.

19 Q. Now, in your statements -- Let me ask you this,  
20 I'm sorry: As far as you know, is this the only write-up you  
21 got for November 20th?

22 A. Yes, sir.

23 Q. Okay. So Angela Williams told you you were going  
24 to be written up or told you, Here's your write-up; right?

25 A. Correct, sir.

1 Q. And nobody else on November 20th told you about  
2 any other write-up on that date; correct?

3 A. Correct, sir.

4 Q. And did you think at the time you were given the  
5 write-up that she was treating you unfairly, Angela Williams?

6 A. No, sir. She was just relaying this to me.

7 Q. Okay. But did you think that -- I mean, you've  
8 got your response to it, but did you consider at the time she  
9 wrote you up to be -- this is a disagreement -- something of  
10 a disagreement between a -- Did you think she was motivated  
11 by racial discrimination when she gave you this write-up?

12 A. Angela? No, sir.

13 Q. Do you think that -- Do you have any reason to  
14 believe that what she wrote in her portion was not her  
15 honestly held belief?

16 A. I --

17 MS. HEVICON: I am going to object at this  
18 point because I see right now three different writings on  
19 here, so that assumes facts not in evidence that, in fact,  
20 she did write that.

21 MR. HELPER: Okay.

22 BY MR. HELPER:

23 Q. Let me ask you: Did she -- You received this  
24 document from Angela Williams with the handwriting -- all the  
25 handwriting above the word "Employee Comments"? All the



1 handwriting was on it when you got it; is that right?

2 A. Correct, sir.

3 Q. And then you wrote in the "Employee Comments"?

4 A. Correct, sir.

5 Q. Did you see who wrote in the portion above the  
6 term "Employee Comments"?

7 A. No, sir.

8 Q. Okay. Did Angela Williams orally relate to you  
9 what is written here in the portion above -- in the  
10 "Supervisor Comments" portion?

11 A. No, sir.

12 Q. All she did was give you the document?

13 A. No, sir.

14 Q. What -- Tell me how it happened.

15 A. She asked me, "Are you having any difficulties or  
16 problems with Elizabeth Masuda?"

17 And I said, "Not that I know of."

18 And she says, "Well, she wrote this up on you,"  
19 and she gave it to me.

20 Q. Okay. So Angela Williams told you that this was  
21 written by Elizabeth Masuda?

22 A. She didn't say the actual writing was from  
23 Elizabeth Masuda. She just said that she had written me up.  
24 I don't know who did the actual writing.

25 Q. When you say she said that she had written --

1 A. Elizabeth Masuda.

2 Q. Wait.

3 MS. HEVICON: Let him finish the question.

4 BY MR. HELPER:

5 Q. Who are you referring to with the second "she"?

6 A. Angela Williams said that Elizabeth Masuda had  
7 written me up after asking for clarity, was I having problems  
8 with her.

9 Q. Okay. And what was your understanding at the time  
10 about the supervisory relationship, if any, between Elizabeth  
11 Masuda and Angela Williams?

12 A. My understanding was that Angela Williams was in  
13 charge of Elizabeth Masuda.

14 Q. Okay. Looking at page 4 of your statement, you  
15 say, "I was not given a copy of the write-up." Does that  
16 mean after you inserted your own comments, you were not given  
17 a copy?

18 A. Yes, sir.

19 Q. Okay. So you did receive a copy of the document  
20 when it had the "Supervisor Comments" on it?

21 A. Correct, sir.

22 Q. Okay. Now, in your training on wandering, how many  
23 hours of wandering training had you received prior to November  
24 20th?

25 A. I don't know, sir.

1 Q. Do you have an estimate?

2 A. There were records kept by TSA at the time of  
3 training. I don't know, sir.

4 Q. Do you have an estimate?

5 A. No, sir.

6 Q. Was it more than four hours of training?

7 A. On what day?

8 Q. I'm sorry?

9 A. On the day of the write-up?

10 Q. Before the day of the write-up, I'm trying to  
11 figure out how many hours of wand training you had  
12 received.

13 A. I had received training on Oahu that had to be  
14 four hours.

15 Q. Okay. And then how about training once you got to  
16 Kahului? Did you receive additional training once you got to  
17 Kahului on wand training?

18 A. Yes, in orientation about five minutes saying that  
19 we were going to do it differently than we had been taught on  
20 Oahu.

21 Q. Is it your recollection that from the time you  
22 started at Kahului and November 20th that you only got five  
23 minutes of wand training?

24 A. There was specific demonstration of, "This is how  
25 we're going to do it" for five minutes in a briefing. The

1 rest was just go out there and if you do something wrong,  
2 we'll yell at you, but there was -- Again, what do you mean  
3 by "training"?

4 Q. Okay. Did you have any practice sessions not on  
5 passengers with -- on wandering with just yourself being  
6 observed by a supervisor?

7 A. Elizabeth Masuda had arranged that for me. And  
8 that was the not working on any passengers, but just with  
9 each other. And also at the Honolulu training before being  
10 assigned for the follow on OJT training --

11 Q. Right now I just want to focus on the period that  
12 you were at Kahului before November 20th.

13 A. Yes, sir.

14 Q. And I'll just ask the question again to make sure  
15 we're clear. Did you receive any training from supervisors  
16 where you weren't working with passengers, with real  
17 passengers, in that time period?

18 A. Yes, sir.

19 Q. And what would that training consist of?

20 A. A demonstration in orientation of a different way  
21 of doing it. The demonstration provided by someone Elizabeth  
22 Masuda had gotten. And a final training from a Pat Collins  
23 saying that -- demonstrating the original Honolulu training  
24 that we were using, saying that's what we were going to use.

25 Q. Okay. Now, as I understand it, there's two

1 different basic styles; one called the double L style?

2 A. Correct, sir.

3 Q. And the other called the W style?

4 A. Correct, sir.

5 Q. And is it correct that the double L style is the  
6 way you were trained in Honolulu?

7 A. Correct, sir.

8 Q. And the W style is the way you were trained here?

9 A. Correct, sir.

10 Q. Okay. And the training that you got at Kahului  
11 before November 20th, who did the demonstration at the  
12 briefing?

13 A. Pat Collins, sir.

14 Q. Okay. And then Elizabeth -- And he demonstrated  
15 the W way; right?

16 A. Correct, sir.

17 Q. And then what method did Elizabeth Masuda  
18 demonstrate?

19 A. The W method, sir.

20 Q. Okay. And then I think you said Pat Collins  
21 demonstrated again?

22 A. The double L style. Additionally --

23 Q. Wait. I'm not -- I don't have a question.

24 What -- I don't want to cut you off, actually, so go ahead  
25 and finish your answer.

1           A.     In addition to the double L style, there was a  
2     difference in clearing shoes and feet. Because of the rebar  
3     in the floor, they wanted us to rather than go down to the  
4     floor and screen, have the person's foot up and just screen  
5     underneath without shoes and on the side up to the kneecap,  
6     and that way going down to the floor wouldn't trigger. You  
7     could stop just below the kneecap because you had already  
8     done the wandering when the person's shoes were being removed,  
9     and not have any false alarms go off. And that was a Pat  
10    Collins' innovation that got changed.

11           Q.     Okay. And then when was it that Pat Collins  
12    demonstrated the double L style?

13           A.     I was -- In the retraining of, "This is how we're  
14    going" -- I was pulled off the floor with another person and  
15    brought into the morning orientation room and the two of us  
16    were shown.

17                   MS. HEVICON: The question was when.

18                   THE WITNESS: I thought you said where, I'm  
19    sorry. When was?

20    BY MR. HELPER:

21           Q.     The question -- My original question concerned the  
22    period before November 20th; right?

23           A.     Yes.

24           Q.     I think you're talking about -- The retraining  
25    occurred November 23rd, from my review of the record. Is

1 that your recollection?

2 A. Yes, sir.

3 Q. So if we restrict the question to the period at  
4 Kahului before November 20th, you were trained twice -- you  
5 had received training twice, once at a briefing by Pat  
6 Collins demonstrating the W style?

7 A. W, yeah.

8 Q. And a second time with Elizabeth Masuda  
9 demonstrating the W style?

10 A. Yes, sir.

11 Q. And that's it; correct?

12 A. There was a corrective demonstration and it wasn't  
13 screening on each other as much as an explanation. There was  
14 a black gentleman from the training team from Chicago and I  
15 don't know his name.

16 Q. Devery Bailey?

17 A. Devery, I don't know the last name.

18 Q. Okay.

19 A. After I was written up on another occasion because  
20 of rivets on -- explaining an additional method with the  
21 screening of how to avoid getting into a loop of not being  
22 able to clear. And that was another specific, but it wasn't  
23 any practicing one on --

24 Q. And, again, that was after November 20th; right?

25 A. Yes, sir.

1 Q. Okay. So, again, in the period before November  
2 20th --

3 A. That's it.

4 Q. -- we've got two sessions?

5 A. Yes, sir.

6 Q. Masuda and Collins both with the W; right?

7 A. Correct, sir.

8 Q. And then how about training with passengers or  
9 observations of supervisors -- by supervisors while you're  
10 doing passengers? Did you have supervisors watching you  
11 specifically -- or, I'm sorry, not watching you,  
12 demonstrating things to you with passengers in the period at  
13 Kahului before November 20th?

14 A. Not to my recall, sir.

15 Q. Did you receive -- Strike that. Did you have  
16 responsibilities for wandering at Kahului before November 20th?

17 A. (Pause - referring.) Yes, sir.

18 Q. And you -- Where were you looking? You looked at  
19 your statement to refresh your recollection.

20 A. Seeing when did I start and the -- when I was  
21 brought down on the floor on the 20th.

22 Q. So is it fair to say you did over 10 hours of  
23 wandering at the concourse gates during the first week of  
24 on-the-job training before --

25 A. Yes, sir.



1 Q. -- before November 20th?

2 A. Yes, sir.

3 Q. Over 20 hours?

4 A. My time was split approximately equally between  
5 baggage search and wandering, so whatever time I worked, about  
6 50 percent would be fair.

7 Q. Okay. And if you worked 40 hours during the week,  
8 that would make about 20 hours?

9 A. Yes, sir.

10 Q. Do you recall anybody criticizing your wandering  
11 technique or counseling you or helping you or advising you,  
12 giving you any feedback of any sort on your wandering technique  
13 during your first week of on-the-job training before November  
14 20th?

15 A. No, sir.

16 Q. Is it possible somebody counseled or corrected you  
17 during that time, but you don't remember at this point? Or  
18 advised you, helped you.

19 A. It's possible.

20 Q. Okay. You're learning -- In this first week of  
21 OJT you're being trained on a lot of skills you had never  
22 used before; right?

23 A. No, sir.

24 Q. Well, you've never been involved -- You had never  
25 had a security job of any sort before, had you?

1 A. No, sir.

2 Q. In the navy?

3 A. Yes, sir.

4 Q. What was your job in the navy?

5 A. I did the -- at the gangway I was an elicit  
6 intelligence specialist. I was also shipboard intelligence  
7 officer. And we have to search people coming on and off  
8 board the ship for contraband. I was stationed overseas and  
9 did the physical search of baggage and people.

10 Now, what I mean by various new things, again,  
11 might need clarification. I was taught to bag search, which  
12 I have done before; and to wand, which I hadn't. So I was  
13 being taught one new skill during that week because that's  
14 all I was doing is at the gates, bag search, wandering for the  
15 week.

16 Q. And you weren't yet being taught how to operate  
17 the scanners or -- Were you being taught to operate the  
18 scanners on your first week?

19 A. No, sir.

20 Q. How about the ETD machine?

21 A. No, sir.

22 Q. Okay. When Ms. Masuda talked to you about your  
23 wandering technique -- I mean, you acknowledged that on  
24 November 20th that you were wandering incorrectly; right?

25 A. Correct, sir.

1 Q. Okay. And then in your mind things were fine up  
2 until November 23rd; right?

3 A. Correct, sir.

4 Q. And then you were counseled a number of additional  
5 times on November 23rd; is that right?

6 A. (Pause - referring.) Correct, sir.

7 Q. Let me ask you -- I'm sorry, back to November 20  
8 for a second. Looking at page 4, first full paragraph about  
9 halfway down, "As I began to write down a response, some of  
10 the screeners who had been there for a couple of months told  
11 me not to respond to the write-up if I didn't want to get  
12 terminated." Who were those screeners?

13 A. I don't -- I didn't know their names at the time.  
14 I certainly don't know their names now. As they saw me  
15 responding, "Don't do that. Don't do that." And it was the  
16 people that had arrived in the group before my group got  
17 there for training. They had already gone through their  
18 training.

19 Q. Okay. Do you recall anything about their racial  
20 backgrounds, the people who were telling you this?

21 A. I don't.

22 Q. Okay. I'm sorry, back to November 20th again.  
23 You were also counseled that day by a supervisor named Rusty  
24 about your wandering technique?

25 A. Which page, please, sir?

1 Q. I'm looking at page 5.

2 A. (Pause - referring.) Yes. That's that time I was  
3 telling you that Devery, I believe you said his name was,  
4 assisted me.

5 Q. Well, as I look at page 5, it looks like you got  
6 counseling or advice from two supervisors. Rusty --

7 A. Yeah.

8 Q. -- talked to you about clearing a rivet on a pair  
9 of pants, right, how to do that?

10 A. Yes.

11 Q. And did you know about that before, how to clear a  
12 rivet?

13 A. No. I was -- The instruction I was given is make  
14 sure that every time the wand alarms, you know why it went  
15 off and that you have cleared the reason why it has gone off.  
16 What "cleared" meant wasn't determined. I understood  
17 "cleared" as it was clear in my mind that I knew what was  
18 setting it off. And at this time they talked about a  
19 physical pat being the only accepted way when a wand goes off  
20 to clear.

21 Q. And so was Devery counseling you or talking to you  
22 about the same thing that Rusty had just talked to you about,  
23 or is this something different?

24 A. Please allow me a second here.

25 Q. Yeah.

1           A.   (Pause - referring.) This was a separate -- Rusty  
2 did the rivet and -- I was informed through counseling that  
3 when somebody is going to have their waistband area screened,  
4 they're not allowed to assist in unbuckling and there was a  
5 procedure showed of -- for the first time to me of how they  
6 wanted it done to prevent them from hiding or cupping any  
7 type of weapon in their hand in the process.

8           Q.   So what Rusty advised you about was how to clear a  
9 rivet; right?

10          A.   Right. A decorative rivet.

11          Q.   And what Devery advised you about was how to  
12 handle someone who has got to unbuckle their pants; right?

13          A.   Correct, sir.

14          Q.   And it's your recollection that you had not been  
15 trained on either of those procedures before?

16          A.   That's why I was there, for training. Yes, sir.

17          Q.   So you had at least three people talk to you about  
18 wandering on November 20th; right? Or four people: Masuda --

19          A.   The person she had.

20          Q.   -- Masuda, Williams, Rusty and Devery; right?

21          A.   No, sir. Masuda, the person that she had assisted  
22 me. Angela Williams just said, Here it is.

23          Q.   Okay.

24          A.   And then Rusty and Devery. And I'm -- I want to  
25 check and make sure that was on the 20th. If you say so, I'm

1 sure it was.

2 Q. Don't take my word.

3 MS. HEVICON: Don't take his word for  
4 anything. On the record, that is. Off the record you can.

5 THE WITNESS: Okay.

6 BY MR. HELPER:

7 Q. If you look at page 6, it cuts to November 21st  
8 and 22nd.

9 A. Okay, sir.

10 Q. So that confirms that, in fact, you were  
11 approached by three supervisors, at least, about your wandering  
12 technique on November 20th; right?

13 A. Correct.

14 Q. And that was about three separate wandering issues;  
15 right?

16 A. Yes, sir.

17 Q. Okay. Did you argue with any of the supervisors  
18 who were talking to you about your wandering technique on  
19 November 20th?

20 A. I don't believe I argued, sir. I asked --

21 MS. HEVICON: It's a yes or no question.

22 THE WITNESS: No, sir.

23 BY MR. HELPER:

24 Q. What was your response when you were -- What was  
25 your response to Ms. Williams -- I'm sorry, let me back up.

1 Ms. Masuda talked to you about your wandering  
2 technique and about taking laptops over to ETD with the owner  
3 not present; right?

4 A. Correct.

5 Q. Okay. And did you tell her you thought that that  
6 was an unfair criticism?

7 A. I --

8 MS. HEVICON: Yes or no question.

9 THE WITNESS: I would like you to rephrase  
10 that.

11 MS. HEVICON: It's a yes or no question.

12 THE WITNESS: No, I --

13 BY MR. HELPER:

14 Q. Okay. What was your response to Ms. Masuda?

15 A. To this?

16 Q. No, no. I'm not asking what you wrote when you  
17 got written comments from Ms. Masuda or Ms. Williams. I'm  
18 asking what you said when you were orally advised by Ms.  
19 Masuda about ETD procedures and wandering techniques.

20 A. I told her that I had been previously instructed  
21 from the lane 3 that ETD was between lane 1 and 2 and if that  
22 was tied up, that if the lane was free, I should go and use  
23 it. If there were people backed up using it, that I was to  
24 visually inspect. And asked her, Had that changed? Because  
25 policies were continually changing and I was just trying to

1 clarify, with things changing every day, had that changed  
2 that everybody was now supposed to go --

3 Q. And --

4 A. I didn't mean it argumentatively. Just to  
5 clarify.

6 Q. How long do you think you were talking with Ms.  
7 Masuda about these issues?

8 A. How long did it just take me? Five seconds.

9 Q. Is that your estimate of how long you were  
10 talking?

11 A. Yes, sir.

12 Q. How about with Rusty? What was your response to  
13 Rusty when the metal rivet issue arose?

14 A. I thanked him because I told him that I didn't  
15 realize what was meant by clearing, and I thanked him for  
16 showing me and assisting me.

17 Q. And then how about with Devery? What was your  
18 response to him?

19 A. I, again, thanked him.

20 Q. Were there other people, new people at the same  
21 checkpoint on the November 20th?

22 A. I'm sure there were because it was a whole  
23 training group that had arrived with me.

24 Q. Did you notice anyone else having the same  
25 problems that you were having?



1           A.    There was a person named Tom that was -- we were  
2 being worked in tandem, and -- and I didn't notice anybody  
3 else.

4           Q.    Do you know what -- Can you give any kind of an  
5 estimate just based on your visual observation of who else  
6 was there -- or, first of all, can you estimate how many  
7 screeners were being trained along with you on November 20th?

8           A.    I couldn't.

9           Q.    Ten?

10          A.    Your records would be better than my guess.

11          Q.    You were there; right?

12          A.    I was busy focused on my job, not looking at what  
13 was going on.

14          Q.    Were you moving around within a group of new  
15 people?

16          A.    A handful, three or four of us, that were working  
17 a particular line or going to the gates.

18          Q.    Do you recall the races of any of the other people  
19 who were new being trained alongside of you on November 20th?

20          A.    Tom was Caucasian and the other person that was  
21 with me was Caucasian and then three locals.

22          Q.    And did you observe anybody else having the issues  
23 that you were having with wandering other than Tom that you  
24 have already described?

25          A.    The person next -- The Caucasian next to me was

1 corrected, but I don't know if -- how many times and  
2 procedure, because I was just worried about trying to learn  
3 with me. I wasn't at this point seeing, Who else is in  
4 trouble, too?

5 Q. Okay. Let me ask you just generally, are you  
6 aware of anyone else at Kahului who was terminated for  
7 failure to learn wanding?

8 A. I don't know why anybody was terminated.

9 Q. Okay. Do you know why you were terminated?

10 A. I'm told because I was a sexual predator, a racist  
11 against Samoans and Japanese, and insubordinate.

12 Q. Who told you you were a sexual predator?

13 A. I don't know how that came out, but there was a  
14 reference made to that by Phil upon my termination, that  
15 there was concerns about that. But, again, I wasn't allowed  
16 to defend myself or give any details. I wasn't told why I  
17 was a racist against Samoans. I don't know if I would know  
18 one, much less be racist towards one. And that I was  
19 insubordinate, which I assumed could be this first exhibit,  
20 except that anything I asked was asking for understanding as  
21 a trainee to understand the process, not to be insubordinate.  
22 There's nothing I refused. Just an attempt to learn. I was  
23 going to be a supervisor, I needed to know as much as I  
24 could.

25 Q. Were you ever told that you were terminated for

1 incorrect wandling procedures?

2 A. No, sir. I correct that. Let me check and see  
3 with the help of this. I'm sorry, sir. December 9th, my  
4 termination during probationary period that was submitted by  
5 Robert Au says that I was counseled, it's determined that my  
6 need for constant supervision is unacceptable, and that my  
7 performance is inappropriate and cannot be tolerated.

8 Q. And is --

9 A. And in a side bar, it was talked about my racism  
10 and inappropriate sexual behavior and my insubordination.

11 Q. Now, on the -- This document that you are looking  
12 at is a two-page document --

13 A. Correct, sir.

14 Q. -- dated December 9th, 2002?

15 A. Correct, sir.

16 Q. And you received it on that day; right?

17 A. I received it on the date I was terminated. Does  
18 this say effective today?

19 MS. HEVICON: Try looking back at your  
20 statement.

21 MR. HELPER: No, no. His signature is dated.

22 MS. HEVICON: This one doesn't have a  
23 signature.

24 BY MR. HELPER:

25 Q. Okay. Let me give you this document that I will

1 make Exhibit E? Was this document Exhibit E given to you by  
2 Filbert Carvalho --

3 (12/9/02 Letter, EXHIBIT E, marked)

4 A. Yes, sir.

5 Q. -- at the same time he was advising you of --

6 A. Yes, sir.

7 Q. But the written documentation doesn't say anything  
8 about sexual predator?

9 A. No, sir.

10 Q. I'm correct, it doesn't say anything?

11 A. Correct.

12 Q. I may have asked you this. This is your signature  
13 on --

14 A. Yes, sir.

15 Q. -- Exhibit E?

16 Okay. So on November 23rd you were wandering again;  
17 right? I'm looking at page 6 of your statement.

18 A. Okay. (Pause - referring.) It's pretty safe -- I  
19 was wandering every day I was there. Okay. I'm on page 6.

20 Q. And this write-up that you got here that's Exhibit  
21 B, is this your handwriting on -- under the "Employee  
22 Comments" portion?

23 A. Yes, sir.

24 Q. Okay. And is this an accurate account -- what's  
25 she written here an accurate account of your exchange with

1 Ms. Gordon?

2 A. Let's see. (Pause - referring.) Yes, sir.

3 Q. Okay. So let me see if I've got it right of what  
4 happened. "PM crunch time," does that mean high stress, busy  
5 time?

6 A. Correct.

7 Q. And Ms. Gordon had to ask you three times before  
8 you moved from a certain position?

9 A. She told me to go check with the lead. I saw it  
10 was crunch. I asked her if she was going to have enough  
11 people, and she told me go ahead. And I went and then got  
12 sent back to my position by the lead. The lead said, "Get  
13 back there. It's crunch." So I went back to my position I  
14 was in. I didn't realize that that was a write-up until I  
15 got this. And I just, "Okay. Well, thanks for assisting  
16 me," but, again, not argumentative.

17 Q. Okay. But I'm just trying to figure out what  
18 happened that led to the write-up.

19 A. Yeah.

20 Q. Ms. Gordon asked you to move away from a given  
21 position?

22 A. Yes.

23 Q. And you said, Are you sure you want to do that,  
24 essentially?

25 A. And she said yes and I did.

1 Q. And then it said -- Well, according to -- Just  
2 looking at this, it looks like she asked you to move, you  
3 asked, "Are you sure you have enough wanders?" She said yes  
4 and she asked you to move again. You said, "I just wasn't  
5 sure if you had enough wanders." And she asked you a third  
6 time and then you moved?

7 A. Well, I was so jumpy of getting written up every  
8 time I turned round, I reiterated that just to let her know  
9 that I wasn't being insubordinate, "Okay. I'm moving. I  
10 just wasn't sure." But it wasn't being insubordinate as much  
11 as that last statement was to make sure that she understood  
12 that I wasn't trying to be insubordinate, because I was  
13 pretty gun-shy at this point.

14 Q. And you say Ms. Gordon said she didn't think it  
15 really needed a write-up, she told you that?

16 A. Yes.

17 Q. When did she tell you that?

18 A. I don't know, sir, but I would have to defer to  
19 what I had written here, which was fresh in my memory.

20 Q. Well, was it right at the time she gave you the  
21 write-up, or some later date?

22 A. No, no. It was current with when this was done.

23 Q. So she apologized at the time she gave you the  
24 write-up?

25 A. Yes, sir.

1 Q. Did you ever understand that there was any kind of  
2 a policy at TSA Kahului about write-ups or when people got  
3 written up or --

4 A. No, sir. Our understanding from Honolulu training  
5 was that we could not get written up until after we had  
6 passed probation, according to the packet of instructions  
7 that we were given, and that we were going there strictly as  
8 trainees to be instructed. I assumed all of these  
9 corrections were to better facilitate my performance so that  
10 at the end of training I would be fully qualified. I did not  
11 realize that it was a winnowing process, but an opportunity  
12 to improve myself until the very end. And I had no concept  
13 of what this was about except an opportunity to improve.

14 Q. Now, you used the word "probation." You were  
15 actually on probation for the first year of your employment,  
16 weren't you?

17 A. There was -- I was on probation, but there was a  
18 probationary training period before the clock started. And  
19 within TSA's packet there was a while in training status, you  
20 weren't to be terminated for training, that you were supposed  
21 to be trained.

22 Q. Okay. And then on November 23rd you had Patti  
23 Igarashi -- after you got the write-up from Davelyn Gordon,  
24 you got criticized by Ms. Igarashi for your wanding  
25 technique?

1 A. (Pause - referring.) Yes, sir.

2 Q. And what was her criticism?

3 A. She said that I had touched somebody, which I  
4 thanked her and said I would be more of -- aware of my  
5 actions, that I was not aware that I had touched anybody.  
6 And then she had also talked about the wandling procedure, we  
7 had people take their shoes off and wand them, and about a  
8 seating policy, a seating procedure. And she corrected me on  
9 that. Again, thinking this was instructional, not  
10 terminational.

11 Q. Now, also November 23rd you had a training session  
12 with Pat Collins; right?

13 A. Yes, sir.

14 Q. And was this before or after you got the write-up  
15 from Patti Igarashi?

16 A. This was very close either way. I'm not sure at  
17 this point.

18 Q. Okay. And there was another trainee named Herb  
19 Moniz that was sort of pulled at the same time?

20 A. Yes, sir.

21 Q. And what was Mr. Moniz's race, as far as you could  
22 tell?

23 A. He's Caucasian.

24 Q. And what was Mr. Collins' demeanor when he was  
25 training you on November 23rd?



1           A.    It was very matter of fact and to the point and  
2 perplexing for me, because he just -- he demonstrated, "This  
3 is the way it's supposed to be done by TSA," face forward  
4 training. "Let me show you." And then he went through with  
5 the double 7's and said, "Now, Patti has told me that you are  
6 not wandng down the feet, but that you're wandng around the  
7 feet when they're up and that's not according to the policy.  
8 This is the way you're supposed to do it." And then he  
9 repeated the way Honolulu said to do it, which was confusing  
10 because he's the one that had initiated telling us to do it  
11 the other way. No reference made that, "This is the way I  
12 showed you before. It's changed." He just came in like and  
13 had presented what we had been doing as the way it's always  
14 been.

15           Q.    Well, you -- And did you raise that with him?

16           A.    I was so gun-shy at this point, sir, I just said,  
17 "Thank you," "Yes, ma'am," "No, ma'am" to everybody that  
18 looked at me.

19           Q.    In your statement you make a reference to being  
20 told that the use of the W was to reinforce the OGG corporate  
21 policy that W, Wackenhut, was still in charge. Who told you  
22 that?

23           A.    That was around the water fountain corporate  
24 knowledge by everybody. There wasn't a particular  
25 individual, that was just the buzz.

1 Q. The rumor?

2 A. The buzz, yes.

3 Q. Is it fair to call that a rumor?

4 A. Yes, sir. Pervasive rumor.

5 Q. Now, as I understand it, after these counselings  
6 on November 23rd, you changed the way you approached  
7 passengers and you sort of kept your distance more in terms  
8 of your wandering. Is that fair?

9 A. Which page, please, sir?

10 Q. The bottom -- very bottom of page 8.

11 A. Thank you, sir.

12 (Pause - referring.) Yes, sir.

13 Q. Okay. Page 9 of your statement you say, "Other  
14 trainees" -- I'm sorry. At the bottom of the second full  
15 paragraph. "Other trainees have stated that records tend to  
16 appear or disappear after the fact or change in content."  
17 Who said that to you?

18 A. Again, pervasive rumor.

19 Q. Well, you refer in your statement to the trainees  
20 listed on attachment 6.

21 A. Uh-huh (affirmative response).

22 Q. Let's look at attachment 6.

23 A. (Complying.)

24 Q. It's the very last page, I think.

25 A. Thank you, sir. Yes.

1 Q. Who on this list of -- These are all TSA  
2 employees, right, on this list of --

3 A. These are the only ones that I could think of at  
4 the time of who might know what was going on. Not  
5 necessarily they agree with me, disagree, but just whoever I  
6 could think of.

7 Q. They're all TSA employees; right?

8 A. Yes.

9 Q. And do you know which of these people are trainees  
10 or were trainees with you?

11 A. All of these people on the bottom I believe were  
12 trainees with me except Chris Gahr, who was there before me.  
13 And on the top of the page, everybody was TSA at my time.

14 Q. And Karin Phaneuf was not a trainee, was she?

15 A. She was a trainee supervisor, but I don't know if  
16 she actually -- I don't know anybody's real status, sir.

17 Q. Okay.

18 A. I think she was in a group before me, but I don't  
19 know what anybody's status. Even the supervisors and leads  
20 we never knew from day to day because there was no special  
21 emblem, there was no -- People rotated from shifts. It was  
22 difficult.

23 Q. Does looking at that list help you recall what  
24 other trainees told you that records tend to appear or  
25 disappear after the fact?

1 A. No, sir.

2 Q. Okay. Let me ask you on page 10 of your  
3 statement, the very bottom, this is just -- I don't  
4 understand what -- if I'm missing something. It says, "At  
5 8:50 a.m. on 12/16/02 I crossed paths with Miss Elizabeth  
6 Masuda as she was rushing to an appointment in Wailuku. I  
7 asked her, When you wrote me up for," and then there's a page  
8 break and it goes to "moved me."

9 A. I, unfortunately, had a computer crash and can't  
10 retrieve that, but there's obviously something that was  
11 supposed to have printed out.

12 Q. And it goes from -- We have page -- We're not  
13 missing a page; right?

14 A. No, sir. But it did refer to the write-up when I  
15 had abandoned my post and --

16 Q. What write-up did you ever get for abandoning your  
17 post?

18 A. I don't see it here.

19 Q. Did you ever see a write-up for abandoning your  
20 post?

21 A. Yes, sir. That was something that Elizabeth  
22 Masuda was told to write me up for and I saw. Because Patti  
23 had ordered me to report and then had ordered Elizabeth  
24 Masuda to write me up for not being at the post that Patti  
25 Igarashi had ordered me to leave.

1 Q. And was this on November 20th?

2 A. I don't know, sir.

3 Q. Okay.

4 A. I don't know. I doubt it, speculating. If it was  
5 the 20th, it seems like she would have just added it on. She  
6 didn't limit herself to one charge per paper.

7 Q. Okay. And that was not -- the abandoning your  
8 post charge was not mentioned in your letter of termination;  
9 right?

10 A. (Pause - referring.) This is thick.

11 MS. HEVICON: I know. That's your document.

12 THE WITNESS: I -- No, I wasn't on  
13 methamphetamine or -- Here we go. Counseling laptops.

14 (Pause - referring.) No, sir. Also --

15 BY MR. HELPER:

16 Q. "No, sir," what?

17 A. It wasn't written in there as far as abandoning  
18 post.

19 Q. Okay.

20 A. And I also asked her if she understood I wasn't  
21 trying to be disrespectful. She said she would acknowledge  
22 that, too.

23 Q. You're talking about Ms. Masuda when you ran into  
24 her on the street?

25 A. When I ran into her, yes.

1 Q. Okay. During your time at TSA Kahului did you  
2 have any concerns that you were being discriminated against  
3 on the basis of your race while you were there?

4 A. I initially thought that I was being discriminated  
5 to be a supervisor and that bizarre things were being done  
6 that were obviously discriminatory and other supervisors that  
7 were Caucasian, but it wasn't until actual termination that I  
8 saw that the discrimination against Caucasians occurred.

9 Q. What do you mean, things were obviously  
10 discriminatory?

11 A. The local people that would be lounging around  
12 against the wall with shirttails out chewing gum, and yet the  
13 Caucasian had to be standing up, little tin soldiers. And  
14 the locals would walk around with backpacks from gate to  
15 gate, where Caucasians were not allowed to have anything on.

16 The Caucasians were told that it was a security  
17 issue to have the TSA uniform on traveling back and forth to  
18 work and, therefore, they would either have to wear a jacket  
19 on top when traveling or remove their clothes and change to  
20 uniform in the bathroom with the public so that they wouldn't  
21 be seen in public with their uniforms; where the locals  
22 freely walked back and forth across the parking lot and got  
23 in their car and were seen around town in their TSA uniforms  
24 where Caucasians were warned that that was a firing offense  
25 if we had our uniforms on in public.

1 Q. Anything else that you recall observing while you  
2 were at TSA Kahului that you thought was obviously  
3 discriminatory?

4 A. The corrections that were given were exact and to  
5 the letter for the Caucasians, whereas the local people  
6 didn't get corrected. Again, not my concern because I was  
7 trying to learn so I could be a supervisor. I didn't care if  
8 anybody else didn't learn. I was trying to learn.

9 Q. Any other practices at TSA Kahului that you can  
10 recall that were in your mind obviously discriminatory?

11 A. Not unless otherwise stated in here, sir.

12 Q. Okay. So what I have got is locals hanging out  
13 with their shirttails out leaning against the wall, locals  
14 carrying backpacks, locals wearing their uniforms around  
15 town, and locals not being corrected for errors; and in all  
16 these categories under your observation Caucasians were  
17 treated differently; right?

18 A. Correct, sir.

19 Q. You never heard any directly racially  
20 discriminatory statements by anyone at Kahului; is that fair  
21 to say?

22 A. That's fair to say.

23 Q. So you never heard anybody referred to by  
24 derogatory racial terms; is that correct?

25 A. Correct, sir.

1 Q. Do you consider the term "haole" to be in itself a  
2 discriminatory or racist term?

3 A. It's how it's used. Caucasian can be derogatory  
4 if you use it in a certain way.

5 Q. And you never heard the word "haole" used in a  
6 discriminatory or racist way when you were at Kahului?

7 A. No, sir.

8 Q. Correct?

9 A. Correct, sir.

10 Q. What supervisors criticized Caucasians for -- The  
11 shirttails hanging out, is that fair to call that a dress  
12 code violation? I don't want to put words in your mouth, but  
13 a couple things are kind of dress code.

14 A. You're correct.

15 Q. Okay. In addition to their shirttails hanging  
16 out, it sounds like also maybe their posture or their  
17 attitude or their lack of -- they're not working?

18 A. No. It was drilled into us the professional  
19 appearance, number one, to look like we knew what we were  
20 doing to thwart terrorists. Number two, to not upset  
21 passengers that the tax dollars were spent on. During  
22 training, the horde of people that was there, to look sharp.  
23 The uniform concern was also an expressed concern of we're  
24 worried about security. You get jumped, somebody gets your  
25 uniform on and walks on through; it could be a problem with



1 security. Don't let people know that you're with TSA outside  
2 of the airport.

3 Q. Okay. The in the airport dress code problems, you  
4 know, the people hanging out with their shirttails out, were  
5 those screeners?

6 A. Correct, sir.

7 Q. Was there also some concern about that there was a  
8 different dress code for the law enforcement or Wackenhut  
9 employees as opposed to the screeners?

10 A. Not that I'm aware of, sir. I'm not saying there  
11 was or there wasn't. I'm just not aware of that.

12 Q. Okay. But it's your belief that the people -- the  
13 local people who were hanging out with their shirttails out  
14 were, in fact, federal employees?

15 A. They were TSA employees in the same uniform I was  
16 in.

17 Q. And did you ever see a Caucasian employee  
18 counseled or disciplined or corrected for having their  
19 shirttails out?

20 A. I don't know the specifics. I know that the  
21 Caucasians were constantly corrected for a smart appearance.

22 Q. When you say you know it, did you see this or did  
23 you hear about it?

24 A. I heard about it. I've watched Caucasians being  
25 told when it would -- not to carry a bag while other local

1 people were allowed to carry backpacks on their shoulder. I  
2 know that as far as the standing about on breaks, Caucasians  
3 were directed to go find someplace that was out of the public  
4 eye so as not to look like a bunch of people were lounging  
5 around; where locals were allowed to do that.

6 Q. I need to get you to be more definite in what  
7 you're saying here, because these are some serious assertions  
8 you're making. So, first of all, I want to just ask you  
9 about what you personally observed.

10 A. And that's what I was --

11 Q. Okay. And then I wanted to figure out who the  
12 supervisors involved were who were doing these -- You're  
13 using the passive voice were counseled as opposed to telling  
14 me who was doing the counseling. So I need to know who was  
15 doing the counseling. Hold on. Let me ask the question.  
16 And I want to talk about these things one category at a time.  
17 And right now I'm just talking about shirttails, not about  
18 backpacks.

19 Okay. So you say locals hung out near the  
20 checkpoint with their shirttails out where Caucasians were  
21 counseled or criticized, in your observation, for doing the  
22 same thing?

23 A. I can be real direct observation. I was one.

24 Q. Okay. Who counseled you?

25 A. Patti Igarashi. I was standing at parade rest

1 while she was going on, and she said, "Don't be leaning  
2 against the wall." Two local people were leaning against the  
3 wall next to me.

4 Q. Two local employees?

5 A. TSA screeners on the shift under training with me.  
6 And I was two feet away from the wall and I'm told, "Don't be  
7 leaning against the wall. The wall doesn't need to be  
8 propped up." I'm even where it could be visually mistaken  
9 that I'm leaning against the wall.

10 Q. Did you ever see any other supervisors criticizing  
11 Caucasians, but not locals for dress code violations other  
12 than Patti Igarashi?

13 A. No, sir.

14 Q. Did you see her counseling Caucasians, but not --  
15 I'm sorry. It's not just dress code because what you were  
16 just talking about was not dress code. Deportment, I guess.

17 A. Whatever.

18 Q. Well, we've got to be precise here.

19 MS. HEVICON: Yeah, we do.

20 THE WITNESS: Okay.

21 BY MR. HELPER:

22 Q. So did you -- Did Patti Igarashi ever criticize  
23 any Caucasians other than yourself for leaning against the  
24 wall that you observed?

25 A. No, sir.

1 Q. Okay. Did Patti Igarashi ever criticize anyone --  
2 any Caucasian for dress code violations that you observed?

3 A. In a group statement in orientation to everyone  
4 not to carry bags. And then walk past --

5 MS. HEVICON: We're talking about shirts  
6 untucked.

7 THE WITNESS: Okay. No.

8 BY MR. HELPER:

9 Q. Backpacks I don't consider a dress code violation.

10 MS. HEVICON: We're going to get to that.

11 THE WITNESS: Okay.

12 BY MR. HELPER:

13 Q. So the question is: Did you ever see Patti  
14 Igarashi criticizing, counseling or correcting a Caucasian  
15 employee other than your -- or any Caucasian employee for a  
16 dress code violation?

17 A. No.

18 Q. Did you observe any TSA supervisor criticizing or  
19 correcting any Caucasian employee for a dress code violation?

20 A. Not to the best of my knowledge.

21 Q. Did anybody ever get criticized for a dress code  
22 violation?

23 A. I was in a small world. I don't know.

24 Q. I don't understand why it's discriminatory, then,  
25 that the locals are hanging with their shirttails hanging out

1 if the whites -- If nobody is getting criticized for it, how  
2 is it discriminatory?

3 A. The whites are supersense -- hypervigilant of  
4 appearing sharp, dressing sharp, and listening to everything  
5 that was laid out as far as deportment, appearance and  
6 procedures because the word -- word was out that people get  
7 fired. People are going. Look sharp. But the locals could  
8 walk around without worrying about what the rules are, We're  
9 not going to get fired. So it was selective enforcement of  
10 the policy where the Caucasians were taking something that  
11 was laid out very seriously because people were getting fired  
12 for who knows what and we're getting corrected for who knows  
13 what, so --

14 Q. What you're really saying, though, isn't it, is  
15 that it wasn't selective enforcement that you ever saw, it  
16 was the rumor of selective enforcement that made people  
17 behavior differently in your perception; right? You never  
18 saw any selective enforcement, did you?

19 A. I saw people that were Caucasians told -- We're  
20 not getting into backpacks yet. The shirttail is only one  
21 incident that I saw. It wasn't a problem rampant throughout.

22 Q. Okay. Isn't it correct to say that in terms of  
23 dress code violations, you did not see selective enforcement  
24 of dress code rules because you never saw any enforcement of  
25 dress code rules?

1 A. That I can speak of only myself. I don't --

2 MS. HEVICON: Right.

3 BY MR. HELPER:

4 Q. Right. So I'm saying you never selective  
5 enforcement of the dress code; right?

6 A. Correct.

7 Q. Is it your testimony that you never saw any  
8 Caucasian person whose dress violated the dress code?

9 A. There is one person that had a tattoo and  
10 corrected that by wearing a bandage on top of it. And other  
11 than that, I didn't see any Caucasians that violated the  
12 dress code, no.

13 Q. Backpacks. I know you're itching to get to it.

14 A. I'm ready for you.

15 Q. Tell me about what the rules were for backpacks.

16 A. They --

17 Q. I'm sorry. Again, tell me what you saw and tell  
18 me who the supervisors involved were?

19 A. The supervisor of the day -- Which was part of the  
20 problem, because everybody got shuffled into different groups  
21 and different supervisors. But basically orientation  
22 consisted of a reiteration to not have backpacks, not be  
23 wearing jackets over your shoulder. The TSA uniform would be  
24 neat, clean, and visible and not to be encumbered carrying  
25 stuff that was not work related like wands or the buckets or

1 whatever that were needed. And that it wouldn't be tolerated  
2 to be sloppy in appearance.

3 And the selective enforcement was that if anybody  
4 did have a backpack on, that was a write-up if they were  
5 Caucasian. And I was told, but I can't give you names and  
6 dates by people that said they had gotten written up for  
7 that. "Be careful. Don't wear that." So everybody became  
8 self-protective of each other. Whatever they were written up  
9 for became the urban legend of what not to do because that's  
10 when you found out what you couldn't do, was when you got  
11 written up.

12 So it became very hypervigilant of don't put a  
13 jacket on, don't carry anything, don't have a backpack; but  
14 yet the local people would traipse right in front of Patti,  
15 in front of Pat Collins, in front of any of the day  
16 supervisors and nobody said anything, but it was a big thing  
17 a couple hours earlier in orientation. It was a big thing  
18 when urban legend had don't do that because that's how you  
19 get written up.

20 Q. Were you ever written up for having a backpack?

21 A. I was getting written up for doing nothing. I  
22 wasn't about to violate what I knew was wrong. No, I didn't.

23 Q. Were you ever written up for --

24 A. No.

25 Q. Wait for the question so I get a clean question



1 and answer. Were you ever written up for carrying a  
2 backpack?

3 A. No.

4 Q. Did you ever see any supervisor criticizing anyone  
5 for having a backpack, anything to do with backpack?

6 A. Only in orientation before it was dispersed.

7 Q. That's when they told you the rule, Don't have a  
8 backpack on?

9 A. And that it's been seen and it won't be tolerated,  
10 yes.

11 Q. And you never saw that rule enforced against  
12 anyone; correct?

13 A. Correct.

14 Q. The off -- away from airport -- Hang on a second.  
15 The off --

16 MS. HEVICON: Campus?

17 BY MR. HELPER:

18 Q. Off airport. Thank you. Off airport wearing a  
19 uniform, same set of questions. I'll assume that there was a  
20 rule that said you can't wear -- don't wear your uniform.  
21 You were told this during orientation?

22 A. Yes.

23 Q. And you saw local people wearing their uniforms in  
24 town?

25 A. Post office, grocery, walking through the exit to



1 the parking lot in their uniform.

2 Q. And do you know of that rule ever being enforced  
3 against anyone?

4 A. No. Just reiterated that it wouldn't be  
5 tolerated.

6 Q. Okay. Did you ever see a Caucasian wearing their  
7 uniform around town?

8 A. No.

9 Q. Did you ever see a Caucasian carrying a backpack?

10 A. No.

11 Q. Did you ever hear of a Caucasian being disciplined  
12 for carrying a backpack?

13 A. I heard of, which was why no one -- the Caucasians  
14 weren't doing it. Can I prove that it was a myth or not?  
15 No, I can't.

16 Q. But you can help us establish whether it's a myth  
17 or not by giving us as much information as you have about  
18 what you heard. So if you have any information about who  
19 told you this information, what information was given to you,  
20 supervisor involved --

21 A. This is just -- You hear and you absorb it as  
22 things not to do and move forward. My focus wasn't the --  
23 you know, if I knew we were going to be here, I would have  
24 taken a lot better notes of names, dates, places. I was  
25 there --

1 Q. Welcome to litigation.

2 A. I was there to learn. I was there to be trained.  
3 And I thought in 60 hours I was going to be out of there.  
4 And so --

5 Q. Maybe you should read back my question.

6 A. I'm terrible with names, dates and places because  
7 that was a different game.

8 MR. HELPER: I'm sorry. You don't have to  
9 read it back.

10 MS. HEVICON: I was going to say, I don't  
11 know if she can find the question.

12 BY MR. HELPER:

13 Q. What was your understanding of what the  
14 off-airport uniform policy was?

15 A. No uniform.

16 Q. Don't wear your uniform at all?

17 A. If you're going to -- The uniform pants were  
18 black, black shoes, so you could wear a jacket or something  
19 to cover up that you were wearing your uniform top. Plain  
20 black pants, shoes were okay, but don't be seen in your  
21 uniform.

22 Q. Okay. So you could wear it -- And the shirt is  
23 all you're really concerned about because that's what's got  
24 the insignia?

25 A. Right. If you wore a jacket that fully covered

1 up.

2 Q. Then you were okay?

3 A. Yes.

4 Q. Then you said, I think, that there was a different  
5 corrections policy applied to locals and Caucasians; right?  
6 Can you give me any examples other than your own example  
7 about holding up the wall?

8 A. The wandering, the situation where we pulled by Pat  
9 Collins up -- to Caucasians pulled up when afterward I asked  
10 all the local people, "How are you wandering?"

11 They go, "Oh, W."

12 "Are you still lifting up the shoes and wandering?"

13 "Oh, yeah."

14 "Did anybody tell you differently?"

15 And I asked a couple of dozen people and the  
16 Caucasians said, "Oh, no, no. We have to wand all the way  
17 down to the ground," when I asked them. And the local people  
18 said, "No, no." Right up there in front of everybody still  
19 to this day wandering with the W and around the shoes and  
20 "Nobody has ever told us anything."

21 Q. What was the date -- Was this on November 23rd,  
22 right after your corrections, you asked all the people about  
23 how they were being trained?

24 A. Yes. And the days to follow because I noticed  
25 that it -- what I was corrected for was still being carried

1 on by the locals and I was curious, you know, Was this the  
2 word didn't get out? Because if I'm getting disciplined, let  
3 me help out and pass the word along. Hey, I just got  
4 disciplined. Don't do that anymore. And --

5 Q. Other than what you perceive as different  
6 standards for wandering, did you observe any differences in the  
7 way Caucasians and locals were -- how policies were enforced  
8 on them at work?

9 A. No, sir.

10 Q. Okay. And when you talked to your -- the other  
11 screeners about how they had been trained, you say you talked  
12 to a couple dozen?

13 A. Over a dozen, because we had several groups in the  
14 morning when we first would meet for orientation before we  
15 broke up to the main entrance area into the gates and they  
16 would divide up between the two different wings. So we had  
17 like four groups of people that would consolidate and we  
18 would show up early and be able to talk to the different  
19 people that would show up. And --

20 Q. Would you give me an estimate as to how many were  
21 local and how many were Caucasian, the people you spoke to  
22 about how they had been trained in wandering?

23 A. I talked to everybody I could. I don't know the  
24 percentage, sir, but I -- I noticed that it was still  
25 continuing on and so I asked. And it did break down into the

1 local people were still doing it the old way.

2 Q. But if there's only one or two local people or,  
3 alternatively, only one or two Caucasians, that's not a big  
4 group, then I think it's fair --

5 A. They --

6 Q. Hang on. It would be fair to say that the chances  
7 of it being by chance are greater than opposed to if you  
8 talked to 15 people and seven haoles do it one way and eight  
9 Caucasians do it another. So that's why it's important that  
10 I try to get from you a rough breakdown of the -- who was --  
11 how many Caucasians -- Hang on. Let me just the question.

12 How many Caucasians did you ask in the days --  
13 November 23rd or the days following about how they had been  
14 trained in wandling?

15 A. Eight, nine.

16 Q. How many locals did you ask in the days  
17 following -- November 23rd or the days following did you ask  
18 how they had been trained in wandling?

19 A. Ten, 12.

20 Q. And was it a perfect split, all the haoles had  
21 been trained one way, all the locals had been trained  
22 another?

23 A. Yes. Yes.

24 Q. You didn't put that in your statement, did you?

25 A. I didn't think that was important at the time.

1 Also, at the time I was not preparing for today, but for  
2 TSA's appeal process three years ago, is what I was writing  
3 my statement for.

4 Q. Well, you wrote a 15-page statement; right?

5 A. Yes. To try to help somebody in Washington  
6 understand what's going on in Hawaii, but not from a  
7 grievance position for a court date as much as trying to  
8 understand what's going on here in Hawaii.

9 Q. Do you remember the names of any of the people who  
10 you asked about how they had been trained on November 23rd  
11 and the days following?

12 A. (Pause - referring.)

13 MS. HEVICON: Last page.

14 THE WITNESS: (Pause - referring.) Marilyn  
15 Baldwin, Kathleen McCarthy, Tom Makena. Harold I know  
16 because he was there with me. Karin Phaneuf, Everett, Lance,  
17 Gay Wagner. There were more because there were people that I  
18 didn't even really know that I was just hitting at  
19 orientation that I usually did work with, but --

20 BY MR. HELPER:

21 Q. During the time that you worked at TSA did you  
22 tell anyone about the results of the poll you had taken on  
23 wandng techniques, wandng training?

24 A. I let them know that I had been corrected to a new  
25 style and had asked if they had, but I didn't let them know

1 what my polling results were.

2 Q. Did you tell -- You didn't tell anybody?

3 A. No. I just asked, "Have you been showed this new  
4 technique?" And they either said yes or no. And I didn't  
5 say, And, furthermore, here's the results of what I'm  
6 finding. I didn't share that information.

7 MS. HEVICON: Is your question: Did he tell  
8 the other workers about what he learned, or did he tell  
9 management about --

10 MR. HELPER: I'm asking if he told anybody.

11 MS. HEVICON: Okay.

12 THE WITNESS: Certainly not management. I  
13 was so gun-shy because -- I was like a cockroach as far as  
14 management being around. It was get in there, do your job  
15 and get out of there.

16 BY MR. HELPER:

17 Q. Now, when you wrote your 15-page statement, you  
18 were writing it to -- after you had filed your EEO complaint;  
19 right?

20 A. I had been on the phone leaving messages to a  
21 tape-recorder for a month while all of this was going on  
22 without getting results, and then had been terminated. I was  
23 told by EEOC, Hey, sorry, you're not our employee anymore.  
24 So that's why I wrote this for an Arlene Ashton, who was  
25 handling TSA in Washington, saying, "Look, there's something



1 going on here that I would like to present." And -- and that  
2 was my motivation.

3 I wanted to work for TSA. I came there trying to  
4 learn and I wanted TSA to know. The response I got in the  
5 review was, Well, I've read -- I've read everything they sent  
6 in on me and I would have fired you myself. So I said, "I  
7 don't know what was sent in, but this is -- this is my  
8 statement." And I submitted that for consideration because  
9 all I want to do is just --

10 Q. But if you're trying -- Well, at the time --

11 MR. HELPER: Why don't we go off the record  
12 for five minutes.

13 (Pause in Proceedings: 3:57-4:08)

14 MR. HELPER: Back on the record.

15 BY MR. HELPER:

16 Q. After your -- or at the time you were terminated I  
17 understand that Filbert Carvalho told you that he was  
18 concerned about racism and sexual predator, that you were a  
19 sexual predators?

20 A. There was some kind of sexual words and/or actions  
21 on or about the airport that I was a racist against Samoans  
22 and Japanese, and that I was insubordinate. And, of course,  
23 because I hadn't passed the IAD test, which is a whole  
24 'nother story, after the second try. That I just wasn't cut  
25 out for this.



1           It wasn't just this letter. In addition to this  
2 letter it's like, Don't even try to fight this because of the  
3 racism, because of the sexual predator, the insubordinate and  
4 not passing the IAD test. Just give this up.

5           Q. And did you ever come to learn anything more about  
6 the Samoan or Japanese racism comment?

7           A. First time I had heard it.

8           Q. No. After that.

9           A. That was it.

10          Q. So you never saw the statements that were filed  
11 during the EEO proceedings?

12          A. No.

13          Q. Let me show you. Mark this as Exhibit F.

14           (Bos Affidavit, EXHIBIT F, marked)

15          A. So there really was some, okay.

16          Q. Do you know Susan Bos?

17          A. I know a Suzanne. I'm not sure if I know a Susan  
18 Bos.

19          Q. Why don't you just read that paragraph -- well,  
20 just read the whole thing and tell me what your reaction is.

21          A. (Pause - referring.) I can only think that she  
22 might have had me confused with somebody else. This is  
23 things that -- There are certain things that are true, that  
24 there is -- I did tell her that I was working with -- that I  
25 had worked one time with Japanese where the people in

1 Honolulu needed to buy St. Augustine's church, but as far  
2 as -- I've never been to Samoa. I don't know what this  
3 paragraph whatever is. And I don't know how I would have  
4 known if they were Japanese or Chinese. But at least now I  
5 finally know what this is all about.

6 Q. If we accomplish nothing else today --

7 A. Yeah. Yeah, okay. And now I have to try to --  
8 Who's Susan Boss? But it's interesting that this actually  
9 was -- went in -- filed without me even being aware, being  
10 asked what I --

11 Q. Okay. So of all the assertions in this Exhibit F  
12 about things that you supposedly said, the only -- as you  
13 look at it, you might have said something along the lines of  
14 the Japanese wanted to buy property in Honolulu, St.  
15 Augustine's chapel?

16 A. Yes.

17 Q. How about the part about the Japanese Yakasaw?

18 A. It -- What I did say was that the organized crime  
19 had a problem that they had property in Honolulu that was low  
20 rise and that they needed the church, which had unlimited  
21 height development, so you could put up a hotel. And that  
22 the deal was for them to try to unload their low-rise  
23 Honolulu property in order to get the high rise. And that,  
24 again, isn't racist towards Japanese or anything. This is  
25 just a business deal that was being forced upon some people

1 that they had to try to get the church to trade so they could  
2 dump the low-rise property. I could have said -- if it had  
3 been Italians, I would have said the Mafia or whatever. It  
4 was not a racist thing as far as it was actually Japanese  
5 organized crime that was involved in a very specific real  
6 estate deal, and that is factual. The rest of this stuff --

7 Q. I haven't asked you a question about that yet.

8 A. Okay.

9 Q. So as you look at this, you may well have said  
10 something about the Japanese wanted to buy property in  
11 Honolulu, about St. Augustine's chapel being involved in a  
12 Japanese property transaction and about the Yakasaw being  
13 involved in the property transaction; correct?

14 A. Correct.

15 Q. And the rest of it is --

16 A. Who knows?

17 Q. Yeah, okay. Do you remember Susan Boss or do you  
18 have any idea who she is?

19 A. No, I don't.

20 Q. Okay.

21 A. I assume a co-worker. We floated among each other  
22 so frequently.

23 Q. In your EEO affidavit, and, again, looking back at  
24 the big one --

25 A. Are there any more write-ups I don't know of?

1 Q. I don't know what you know of.

2 A. I know these three because I had actually signed  
3 it, but I didn't know about the secret write-ups.

4 MR. HELPER: Let's go off the record for a  
5 second.

6 (Pause in Proceedings: 4:16-4:18)

7 BY MR. HELPER:

8 Q. Let me ask you if you recognize this document,  
9 March 14th, 2003.

10 A. (Pause - referring.)

11 THE WITNESS: I'm sorry. I have flipped to  
12 page 2 without you having a chance to read page 1.

13 MS. HEVICON: That's okay.

14 THE WITNESS: Yes, I recognize this.

15 BY MR. HELPER:

16 Q. Okay. And now I have got you to recognize it, I'm  
17 going to ask you questions about it.

18 A. But I'll need to borrow it back to answer the  
19 question you ask about it.

20 Q. Okay. I've got you -- I'm looking at your EEO  
21 affidavit, which has been marked up so I'm not going to show  
22 it to you, I'm just going to ask you about some statements.  
23 It says, "I was made aware by other screeners that shortly  
24 before I began working at Kahului Airport, Ms. Patti Igarashi  
25 (screening supervisor) stated that she hated haoles and when

1 her people returned, she was going to put them in lead  
2 positions. And I believe Mr. Chuck Karlan, Karin Phaneuf and  
3 Everret Reinhardt heard these remarks."

4 You never heard any of these remarks?

5 A. Happened before I arrived.

6 Q. Okay. This is mainly a repeat of your affidavit,  
7 actually.

8 MS. HEVICON: From the big ass letter.

9 MR. HELPER: Yes. Not to use complex legal  
10 terms.

11 MS. HEVICON: I believe that is in my legal  
12 dictionary. It is from Old England.

13 BY MR. HELPER:

14 Q. I think you said or mentioned earlier that you had  
15 complained -- called in complaints about what was going on on  
16 some occasions?

17 A. Yes. It was just something that didn't feel  
18 right. And my initial calling in was to the EEO line to say,  
19 Look, I might be off base here that there's any kind of  
20 discrimination or what-have-you, but there's -- I want to  
21 talk to you about what's going on here, that I'm getting  
22 yelled at, I feel like I'm getting set up for failure and  
23 I'm -- I'm concerned to want to just talk about what's going  
24 on. I wasn't leading any class action suit. I was just  
25 concerned about the way I was being treated. But I couldn't

1 get any response from anybody.

2 Q. When did you first make a call to anyone about  
3 your concerns about what was happening at Kahului?

4 A. I'm sure I recorded it in here.

5 Q. I mean, I'm shaking my head no, but you're  
6 certainly welcome to check. I don't think it's in there.

7 A. I know it certainly was in the first couple of  
8 weeks, because I was still -- although the urban legend of  
9 what happened to Chris Gahr as a white supervisor that was  
10 history and that I was going to be next was the buzz in the  
11 background.

12 But I was still thinking -- I've been through OCS  
13 with the military. I've been through enlisted boot camp.  
14 They put you through a lot of pressure to see how you react.  
15 I thought, This is so bizarre, they're putting me under  
16 bizarre pressure to see how I react.

17 So I did not start calling until at least a week  
18 or ten days later to say, Look, I just want to go on record  
19 so it doesn't look like after the fact I'm making up this  
20 stuff up of a disgruntled, fired employee. I want to keep  
21 you in the loop of what's going on while it's going. I never  
22 got any response. I talked for a minute, the tape would end  
23 on the answering machine, and I never got anybody to call me  
24 back.

25 Q. Was this a local number?

1 A. No. It was the number given for any problems with  
2 TSA, call our TSA HR number. And all I could get was an  
3 answering machine.

4 Q. And how many times did you call and leave messages  
5 on the answering machine?

6 A. Several. More than a few times. Not a dozen.  
7 Somewhere --

8 Q. Five to ten, maybe?

9 A. Yeah, five is a good guess.

10 MS. HEVICON: Estimate or guess?

11 THE WITNESS: Guess. I know, I'm not  
12 supposed to guess.

13 BY MR. HELPER:

14 Q. And when you say -- I think you said -- Okay. And  
15 when you didn't get any response from the hot line --

16 A. None.

17 Q. And so you didn't tell anybody else about this?

18 A. I did. And they say, "Well, we don't, either."

19 Q. "We don't" -- Oh, okay.

20 A. Evidently some other people were calling, too, and  
21 they never got any response.

22 Q. Is it fair to say you never put anything in  
23 writing about your concerns about discrimination at Kahului  
24 until after you had been terminated?

25 A. I didn't think it was necessary.



1 Q. Yes or no?

2 MS. HEVICON: The question is: Did you?

3 THE WITNESS: No, no, no.

4 BY MR. HELPER:

5 Q. Okay. So you called -- You were concerned enough  
6 about it to call and leave a message, but you didn't think it  
7 was necessary to put anything in writing 'til after you got  
8 fired; is that right?

9 A. Didn't know who.

10 Q. Okay. You talk about the Chris Gahr urban legend.  
11 What was the Chris Gahr -- And urban legend, that's your  
12 term; right?

13 A. Correct.

14 Q. And what was the urban legend?

15 A. That Chris Gahr was the first screener to be  
16 hired, that he had gotten out to Kahului, and that he had  
17 been terminated so that they could bring in a replacement for  
18 him. And that I don't know the specifics, but that he was  
19 set up. That he was targeted so that he could be terminated.  
20 I never asked him the specifics. I don't know the specifics.

21 Q. Do you know anything about the reasons he  
22 actually -- for his termination?

23 A. No, I don't.

24 Q. Do you know how the urban legend got started, or  
25 is that the nature of an urban legend is you don't know?



1           A.    I guess. I was told that there was somebody --  
2   The actual person that I reported to that told me to come in  
3   was Tom, the manager there, and Tom -- It will come. And --

4                   MS. HEVICON: Tom Young?

5                   THE WITNESS: Yes, thank you, Tom Young. And  
6   he disappeared. And then Chris had disappeared. And I was  
7   told that there was a lot of pressure being put on Rusty and  
8   that I was going to be one of the ones that were going to be  
9   going, that they were working on the white haoles to -- That  
10   was the myth, that they were going to be going back to where  
11   they belonged so they wouldn't be taking away the locals'  
12   jobs. That was the myth.

13   BY MR. HELPER:

14           Q.    And who told you this myth?

15           A.    It was pervasive. I don't know a specific person.  
16   I can't think of anybody that didn't know of that.

17           Q.    Did you know of anybody who had any firsthand  
18   information to support the myth?

19           A.    The people in the group before me coming for  
20   training reported that Patti Igarashi had stated that in  
21   orientation in front of the group, that basically -- At this  
22   point I don't know the words. I'm sure I wrote it down when  
23   it was fresh three years ago. But it was a rumor of 60  
24   people that heard, well, that urban myth might be appropriate  
25   and that I should be keep my head up.

1 Q. Okay.

2 A. I should have tabbed this better if I would  
3 have --

4 MS. HEVICON: It's his copy, his tab.

5 THE WITNESS: Oh, okay. It's like -- It's in  
6 here.

7 BY MR. HELPER:

8 Q. I think the document -- If it's in there, it's in  
9 there. That's fine.

10 A. Yeah.

11 MS. HEVICON: I'll look for it while you guys  
12 are talking.

13 BY MR. HELPER:

14 Q. When did you first speak with Chris Gahr? Have I  
15 asked you that already?

16 A. No, you haven't. After I had been terminated,  
17 I -- I don't know how contact was established weeks afterward  
18 for me to find out what's the process to go -- that I was not  
19 getting any call backs, anything with the established process  
20 for grievances. I understood that he had gone through this  
21 before and could he kind of like point me out who to call or  
22 what to do because I felt like I really had been  
23 unjustifiably terminated and I couldn't get anybody to hear  
24 my case.

25 Even at the termination they wouldn't allow me to

1 speak on my behalf for what -- for the first time I was being  
2 brought up for because I didn't know that this was being  
3 brought up for termination, I thought this was corrective  
4 action. And --

5 Q. My only question is --

6 MS. HEVICON: When was it?

7 BY MR. HELPER:

8 Q. When did you speak with Chris?

9 MS. HEVICON: I just let him go because I  
10 figured this would be your follow-up question.

11 THE WITNESS: A few weeks after termination.

12 BY MR. HELPER:

13 Q. And you don't remember if he called you or you  
14 called him?

15 A. I'm sure I called him because I'm the one that  
16 needed the information.

17 Q. Where did you get his phone number?

18 A. I don't know.

19 Q. Did you talk to Tom Young at some point -- And,  
20 I'm sorry, let me make clear I don't want to know about any  
21 communications that took place in a room between you and the  
22 other plaintiffs if your lawyer was present, so exclude that  
23 from any answer you give me. But before you retained a  
24 lawyer, did you talk to Tom Young about --

25 A. No.

1 Q. Okay. When did you first meet Tom Young?

2 A. I never did meet him. I don't -- except that  
3 first day that I shook hands and he said, Report back  
4 tomorrow. And that's the only time I ever saw him, when I  
5 reported to the airport. I have talked to Tom, Chris and  
6 Chuck, but haven't discussed the case as much as, Have you  
7 gotten paperwork? I got paperwork that has a certain  
8 deadline. Do you have -- Just to coordinate. But I don't  
9 know any of the details of what they're claiming or what's  
10 going on with them and I never discussed that with them.

11 Q. Can you sort of characterize what emotional  
12 distress, if any, you felt as a result of your termination?

13 A. A little anger. Not the violent, I'm going to go  
14 key somebody's car, but it was like I felt that I had been  
15 set up. I so wanted to work and was trying to do good, and  
16 then the first real feedback I get besides this is the  
17 termination letter and no details of -- I'm told you go  
18 through IAD testing three times and, okay, I get two.

19 I'm told about racial and sexual things that I'm  
20 not aware of for the first time. I'm told that I walked away  
21 from a site where the person that knows better is six feet  
22 away from me and he won't ask her. And it was just so  
23 frustrating.

24 And the emotional distress I guess would be  
25 frustration, a little temporary anger. But then I had a

1 choice of dwelling on that or moving forward, and I wasn't  
2 going to like dwell on that. But that's what happened.

3 Q. So your emotional reaction to being fired was  
4 frustration at not receiving more information, anger at what  
5 you have perceived as injustice, but something that you have  
6 been able to move on from; is that fair?

7 A. Yes. I still have not gotten over the -- the  
8 sense of somebody that's been done unfairly to. It's -- When  
9 you really -- you're trying in good faith to accomplish  
10 something and you've been set up, I haven't gotten over that.

11 Q. At one point, and I was looking for it in one of  
12 your documents, you compared -- made a reference to a  
13 policeman in the Warsaw ghetto.

14 MS. HEVICON: That's the letter attached to  
15 that complaint.

16 BY MR. HELPER:

17 Q. Do you think that's a fair comparison for your  
18 situation?

19 A. What I was told is obviously -- obviously it can't  
20 be that I was discriminated against by haoles because a haole  
21 had been one of the people to write me up. And I said going  
22 just on who carries out the actions is the same as Jewish  
23 patrols in the ghetto. You can't say, Oh, Jewish people  
24 patrol Jewish people.

25 And I agree that's a fair category, a haole guy

1 wrote up a haole guy; therefore, by definition it can't be  
2 any kind of discrimination against haoles because, look, the  
3 haole guy wrote it up. Well, in its extreme, nobody in their  
4 right mind would say there was no discrimination in the  
5 Warsaw ghetto. And I -- That's a sick puppy if they're going  
6 to say that. But then to say, Oh, it was Jewish people that  
7 did the policing and the carrying out; therefore, it can't be  
8 any discrimination. I went to extreme case of being able to  
9 say it's not discrimination, just say it's argument of haole  
10 writing up haole therefore excludes that there was no  
11 discrimination.

12 Q. Is it your belief that there was essentially a  
13 conspiracy at the management -- of the whole management at  
14 TSA Kahului to get rid of the haoles?

15 A. I don't know, sir.

16 Q. But to -- I guess thinking about your analogy to  
17 the Warsaw ghetto, I mean, do you think that Pat Collins --  
18 Who is the haole who wrote you up, right, or who criticized  
19 your techniques? Do you have any reason to believe that he  
20 was participating in a conspiracy to get rid of haoles?

21 A. I know he was participating to carry out things  
22 towards me at Pat Igarashi's bidding. I don't know how far  
23 above it went. I don't know why Pat Igarashi was tolerated  
24 if there wasn't a wink and a nod. I don't know if it's  
25 active. I don't know if it's -- I don't know if it's

1 malfeasance, misfeasance, nonfeasance, but it wasn't  
2 feasance.

3 MR. HELPER: Let me take five minutes and  
4 look over my notes and I think we're just about done.

5 (Pause in Proceedings: 4:39-4:41)

6 MR. HELPER: Back on the record.

7 BY MR. HELPER:

8 Q. After the criticism of your wanding techniques on  
9 November 23rd, you changed your wanding style; right?

10 A. Correct.

11 Q. You were I think you used the word "gun-shy" about  
12 criticism?

13 A. Correct, sir.

14 Q. Tell me what you did specifically differently  
15 after November 23rd after the criticisms.

16 A. The 7 technique, the making sure that nobody was  
17 touching, the ever so careful making sure that the wand was  
18 close enough to the skin to pick up any metal but not close  
19 enough that it actually made contact with the material, the  
20 wanding taking off the shoes when I was down at the main  
21 entry or -- and running it through the x-ray. Or upstairs at  
22 the gate have them take off their shoes and inspect and wand.  
23 And making sure that I fully went down cookie cutter on the  
24 outside and on the inside and then the 7's going through the  
25 back.



1 Making sure that I had the person hold the belt by  
2 the two tips of the buckle and the tip of the belt out and  
3 suck their stomach in so I could physically go in and search  
4 inside the band or belt, make sure that they weren't having  
5 something that was stuck in there. Wandering when an alarm was  
6 set off. The physically pat down that area and make sure it  
7 was clear each time even if it was, you know, something that  
8 should have been obvious, still went through that.

9 And proceeded to wand at the gates, pretty much  
10 the sole wander from this event until the date of firing;  
11 which further confused me that I was fired for improper  
12 wandering that I was entrusted for another, you know, several  
13 weeks to be the sole wander.

14 Q. Did you ever work with Chuck Turner?

15 A. Yes, I did. He was a supervisor for me once.  
16 Patti had assigned him to go through the procedures with me  
17 because he explained to me that he had been told by Patti  
18 Igarashi that I didn't understand and that he was instructed  
19 to train me through the explosive detection device.

20 And we went through that and he was a little gruff  
21 of, Well, let me show you the way -- It's like, No, I'm going  
22 to show you and you do it my -- I said, Okay. And he says,  
23 Okay. Well, you look like you can do that. And I'm not sure  
24 if he trained me in anything else, it was mainly for that.

25 But he wasn't my normal supervisor. He was on the



1 floor at the same time supervising as a -- he could have been  
2 a lead, he could have been a supervisor, things rotated on  
3 who was what, but he was on the same shift a lot of times as  
4 me. And --

5 Q. So Chuck Turner at -- with your understanding at  
6 Patti's direction --

7 A. Yes.

8 Q. -- retrained you on one of the machines?

9 A. Yes.

10 Q. And was it your impression this was essentially  
11 remedial training, a brush-up?

12 A. I was left confused.

13 Q. It was not -- As far as you knew, was any other  
14 new screener asked to go through the training that you were  
15 going through?

16 A. No.

17 Q. Okay. Were there any other episodes in which you  
18 were trained one on one by a supervisor that we haven't  
19 talked about already?

20 A. Not to my recollection.

21 Q. Okay. Have you ever filed an EEO complaint other  
22 than the one we're discussing today?

23 A. No.

24 Q. Have you ever been fired for a -- from a job for  
25 any reason?

1 A. No. This is it.

2 Q. Other than this one.

3 A. Uh-huh (affirmative response).

4 Q. Have you ever been arrested?

5 A. Never.

6 Q. Did you work with Frank Paulson at all?

7 A. Not to my knowledge.

8 Q. Did you know him? Did you ever meet him as far as  
9 you can recall before you left TSA?

10 A. Not to my knowledge.

11 MS. HEVICON: I'm sorry.

12 (Telephone Interruption: 4:47-4:48)

13 BY HELPER:

14 Q. Your experience doing pat-downs and bag searches  
15 in the navy, when did that end?

16 A. That ended 1981.

17 Q. And did you remember the navy way of doing things?

18 A. Oh, we didn't have wands, but as far as knowing  
19 where people could hide stuff and look for stuff, that's  
20 pretty much the same; in the crotch, in the sock, in the --  
21 you know.

22 Q. Was there a standard navy operating procedure for  
23 doing pat-downs?

24 A. No, not that I know of. It was on-the-job  
25 training.

1 Q. Was there a navy standard operating procedure for  
2 bag searches?

3 A. Yes.

4 Q. Was that different -- or do you remember if it was  
5 different from what you learned at TSA?

6 A. Basically the same as far as always start at  
7 one -- one layer, one side to make sure that you have covered  
8 everything in your search of the bag and (pause) --

9 MR. HELPER: Thank you very much.

10 (Deposition concluded at 4:50 p.m.)  
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